

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 390

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STATE LIQUOR DIVISION; AMENDING SECTION 23-207, IDAHO CODE, TO REVISE PROVISIONS RELATING TO RULES AND REGULATIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-311, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CONTAINERS AND TO PROVIDE CORRECT TERMINOLOGY; AND AMENDING SECTION 23-610, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE POSSESSION OF LIQUOR NOT SUBJECT TO REGULATION BY THE DIVISION AND TO PROVIDE CORRECT TERMINOLOGY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 23-207, Idaho Code, be, and the same is hereby amended to read as follows:

23-207. SPECIFIC RULES AND REGULATIONS. Without attempting or intending to limit the general powers of the director of the division contained in section 23-206, Idaho Code, such powers shall extend to and include the following:

(a) To prescribe the duties of the secretary, and to supervise his conduct while in the discharge of his duties.

(b) Subject to the provisions of chapter 53, title 67, Idaho Code, to prescribe the qualifications of and to select clerks, accountants, agents, vendors, inspectors, servants, legal counsel, and other personnel to conduct its business and perform its functions; to require that those holding positions of trust be bonded to the state of Idaho in the time, form and manner prescribed by chapter 8, title 59, Idaho Code; to fix the compensation of all appointees and employees, assign their duties, and to discharge them.

(c) To regulate the management, operation, bookkeeping, reporting, equipment, records, and merchandise of state liquor stores and distribution stations and warehouses.

(d) To regulate the importation, purchase, transportation, and storage of alcoholic liquor and the furnishing of alcoholic liquor to state liquor stores, distribution stations, and warehouses established under this act.

(e) To determine the classes, varieties, and brands of alcoholic liquors to be kept in state warehouses and for sale at state liquor stores and distribution stations.

(f) To determine the nature, form, and capacity of packages containing liquor kept or sold.

(g) To prescribe the kinds and character of official seals or labels to be attached to packages of liquor sold to a licensed premises licensee as defined in chapter 9, title 23, Idaho Code. No official seals or labels shall be required to be attached to packages of liquor sold to the general public, at a liquor store or a distributing station, ~~which is not a licensed premises through liquor stores or distributing stations.~~

1 (h) From time to time to fix the sale prices, which shall be uniform
 2 throughout the state, of the different classes, varieties, or brands of
 3 alcoholic liquor, and to issue and distribute price lists thereof.

4 (i) To prescribe, prepare, and furnish printed forms and information
 5 blanks necessary or convenient for administering this act, and printed
 6 copies of the regulations made thereunder. To contract for the printing
 7 thereof and of all necessary records and reports.

8 (j) To regulate the issuance, suspension and revocation of permits and
 9 licenses to purchase, manufacture and handle or traffic in alcoholic liquor.

10 (k) To prescribe the conditions and qualifications necessary for
 11 obtaining permits and licenses, and the conditions of use of privileges
 12 under them; and to provide for the inspection of the records and the conduct
 13 of use of permittees and licensees.

14 (l) To prescribe the kind, quality, and character of alcoholic liquors
 15 which may be purchased or sold under any and all licenses and permits,
 16 including the quantity which may be purchased or sold at any one (1) time or
 17 within any specified period of time.

18 SECTION 2. That Section 23-311, Idaho Code, be, and the same is hereby
 19 amended to read as follows:

20 23-311. CONTAINERS. No alcoholic liquor shall be sold to any
 21 purchaser, ~~which~~ who is not a ~~licensed premises~~ licensee as defined in
 22 chapter 9, title 23, Idaho Code, except in a sealed container ~~division~~ and
 23 no such container shall be opened upon the premises of any state warehouse,
 24 store, or distributing station. No alcoholic liquor shall be sold to a
 25 ~~licensed premises~~ licensee as defined in chapter 9, title 23, Idaho Code,
 26 except in a sealed container with the official seal or label prescribed by
 27 the ~~dispensary~~ division.

28 SECTION 3. That Section 23-610, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 23-610. POSSESSION OF LIQUOR NOT SUBJECT TO REGULATION BY ~~DISPENSARY~~
 31 DIVISION -- ILLEGAL -- EXCEPTIONS. It shall be unlawful for any person, ~~which~~
 32 who is not a ~~licensed premises~~ licensee as defined in chapter 9, title 23,
 33 Idaho Code, to possess more than two (2) quarts of alcoholic liquor that has
 34 not been subjected to regulation by the division, except public carriers
 35 transporting alcoholic liquor for the division. All ~~licensed premises~~
 36 licensees as defined in chapter 9, title 23, Idaho Code, shall have liquor
 37 to which is affixed the official seal or label prescribed by the liquor
 38 ~~dispensary~~ division.